United Nations A/52/557

General Assembly

Distr.: General
31 October 1997

Original: English

Fifty-second session
Agenda item 39 (c)

Oceans and the law of the sea: Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards

Report of the Secretary-General

Contents

		Paragraphs	Page
I.	Introduction	1–8	3
II.	Large-scale pelagic drift-net fishing	9–56	4
	A. General	9–26	4
	1. Information provided by States	9–22	4
	2. Information provided by international organizations	23–26	5
	B. Review by region	27–56	6
	1. Atlantic Ocean	27–33	6
	2. Baltic Sea	34	7
	3. Mediterranean Sea	35–40	7
	4. Indian Ocean and Asia-Pacific region	41	8
	5. Pacific Ocean	42–55	8
	6. Antarctica	56	10
III.	Unauthorized fishing in zones under the national jurisdiction of other States	57–85	10
	A. Information provided by States	57–77	10
	B. Information provided by specialized agencies of the United Nations system	78–79	12
	C. Information provided by regional and subregional fisheries organizations and arrangements	80–85	12

97-29738 (E) 141197

IV. Fisheries by-catch and discards 86–128 13

A. Information provided by States 86–106 13

B. Information provided by specialized agencies of the United Nations system . 107–109 15

C. information provided by regional and subregional fisheries organizations and arrangements 110–121 16

D. Information provided by other intergovernmental organizations 122 18

E. Information provided by non-governmental organizations 123–128 18

I. Introduction

1. The General Assembly, at its fifty-first session, in resolution 51/36 of 9 December 1996, took note of the report of the Secretary-General on large-scale pelagic drift-net fi ng and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources (A/51/404).

2. In the sam resolution, the General Assembly, while acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of Assembly resolution 46/215 and recognizing their efforts to reduce by-catch and discards in fishing operations, expressed deep concern at the continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116. It also expressed deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch was harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States.

3. In the light of these developments, the General Assembly reaffirmed the importance it attached to compliance with resolution 46/215, in particular to its provisions calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas.

4. On the other hand, the General Assembly noted that a growing number of States and other entities as well as relevant regional and subregional fisheries management organizations and arrangements had adopted legislation, established regulations or applied other measures to ensure compliance with resolutions 46/215 and 49/116, and urged them to enforce fully such measures; and urged all States that had not done so to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution.

5. Furthermore, the General Assembly called upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned and carried out in accordance with the conditions set out in the authorization; urged States, relevant international organizations, regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, including through assistance to developing countries, collect and exchange data and develop techniques to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries; and reiterated its call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for that purpose.

6. In addition, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, inviting them to provide the Secretary-General with information relevant to the implementation of the resolution. The Assembly also requested the Secretary-General to submit to it at its fifty-second session and biennially thereafter a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information thus provided.

7. Accordingly, the Secretary-General sent a note verbale to all members of the international community, drawing their attention to the relevant provisions of resolution 51/36. Letters were also addressed to relevant intergovernmental organizations, specialized agencies, organizations and bodies of the United Nations system, as well as regional and subregional fisheries management organizations and arrangements, and relevant non-governmental organizations. A number of submissions and comments were received by the Secretary-General, who wishes to express his appreciation for all the contributions.

8. The present report, which takes into account such contributions, is submitted to the General Assembly in response to the request contained in resolution 51/36.

II. Large-scale pelagic drift-net fishing

A. General

1. Information provided by States

9. In its reply of 12 June 1997 to the Secretary-General, Barbados stated that prohibition of large-scale pelagic drift-net fishing was embodied in draft domestic fisheries management legislation that was being prepared by the relevant authorities.

10. In its response of 13 June 1997 to the Secretary-General, Mauritius indicated it did not allow pelagic drift-net fishing in its waters in accordance with the Drift-Net Act of 1992. It added that the same legislation banned the landing or transshipment of fish caught by drift-nets in Mauritius.

11. In its submission dated 27 June 1997, Latvia informed the Secretary-General that all the fishing vessels flying the Latvian flag were required to observe all orders and regulations and therefore none of them used any type of pelagic drift-nets for high seas fishing.

12. In its response of 30 June 1997 to the Secretary-General, Maldives indicated that it opposed any form of large-scale drift-net fishing on the high seas, and consequently drift-net fishing in any form would not be used in waters under its jurisdiction.

13. In its reply to the Secretary-General dated 2 July 1997, Pakistan reported that it fully supported the global moratorium on large-scale pelagic drift-net fishing on the high seas. Pakistan also indicated that it did not allow large-scale pelagic drift-net fishing vessels in its exclusive economic zone nor did it give fishing licences to such vessels to operate in its waters.

14. In its response of 10 July 1997 to the Secretary-General, the Republic of Korea indicated that its National Fisheries Administration had introduced on 23 March 1992 regulations to achieve the target reduction of 50 per cent in fishing effort in large-scale pelagic high seas drift-net fisheries in compliance with resolution 46/215.

15. In its submission to the Secretary-General dated 23 July 1997, Norway reported that a Norwegian ban was in place with respect to large-scale drift-net fishery on the high seas.

16. In its submission of 29 July 1997 to the Secretary-General, the United States of America provided the following report:

"As a principal co-sponsor of United Nations General Assembly resolution 46/215 (1991), as well as resolutions 44/225 (1989), 45/197 (1990), 50/25 (1995) and 51/36 (1996), and supporter of decisions 47/443 (1992), 48/445 (1993) and 49/436 (1994), the United States believes that it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing on the high seas, called upon all members of the international community to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

"The United States continues to attach great importance to compliance with resolution 46/215, and has taken measures individually and collectively with other nations to prevent large-scale pelagic drift-net fishing on the high seas. The United States has called upon all members of the international community to implement and comply with the resolution. In addition, the United States has urged all members of the international community, intergovernmental organizations, non-governmental organizations, and scientific institutions with expertise in living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215.

"*Domestic drift-net legislation*

"Since 1990, it has been unlawful under the Magnuson-Stevens Fishery Conservation and Management Act (the Magnuson-Stevens Act) for any United States national or fishing vessel to engage in large-scale drift-net fishing in any area under the fisheries jurisdiction of the United States or beyond the exclusive economic zone of any nation.

"The Drift-Net Act Amendments of 1990 (Public Law 101-627), and more recently the High Seas Drift-Net Fisheries Enforcement Act (Public Law 102-582), enacted in November 1992, made it the policy of the United States to, among other things, implement resolution 46/215, and secure a permanent ban on the use of destructive fishing practices, in particular large-scale drift-nets, by persons or vessels fishing beyond the exclusive economic zone of any nation. Additionally, the High Seas Drift-Net Fisheries Enforcement Act provides for the denial of port privileges for any large-scale drift-net fishing vessel

and for a prohibition on the importation of certain products from any nation whose nationals or vessels conduct large-scale drift-net fishing beyond the exclusive economic zone of any nation.

"The High Seas Drift-Net Fishing Moratorium Protection Act (Public Law 104-43), which was enacted in November 1995, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of high seas by fishing vessels that would prevent full implementation of resolution 46/215. This Act also specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal Agencies to detect, monitor, and prevent violations of the United Nations large-scale high seas drift-net moratorium for all fisheries under the jurisdiction of the United States, and in the case of fisheries not under United States jurisdiction, to the fullest extent permitted under international law."

17. In its submission dated 13 August 1997, Italy informed the Secretary-General that the Italian Ministry of Agricultural, Food and Forest Resources had reiterated, in circular 60707 of 16 April 1996, a previous ban on keeping or effecting fishing activities with drift-nets that were more than 2,500 metres long. In 1996, control and verification by governmental organs had been intensive: 486 vessels had been inspected, both at sea and at land; 93 had been found to be unlawful and penalties had been issued. In the same period, 133,360 metres of illegal nets had been seized.

18. Italy also reported that it had approved on 23 April 1997 a plan to rationalize and convert the fishing sector through a plan funded by the European Union. The plan provided for (a) the gradual withdrawal between 1997-1999 of all drift-net fishing licences and drift-net gear; and (b) the possibility for fishing licence holders to choose in 1997 between abandoning fishing activities or to change to other types of fishing technique, consistent with environmental needs and following a non-subsidized approach. Fishing licence holders who participated voluntarily in the conversion programme would receive a premium for suspending drift-net fishing. Those who did not, would not have access to the programme benefits, and in cases where they violated the drift-net fishing ban, would be subject to sanctions and penalties. The programme would be completed by the beginning of the 1999 fishing season and would cost at least 200 billion lire during the first phase of its implementation.

19. Italy further indicated that the programme testified to the Government's awareness of the concerns of international public opinion regarding drift-net fishing and its environmental impact, and to the economic and social consequences of the banning of drift-net fishing on the fishermen involved. It added that drift-net fishing was located almost exclusively in the southern part of the country, where the already high unemployment rate made such fishermen's chances of being absorbed in the labour market even more remote.

20. In its submission to the Secretary-General dated 22 August 1997, Oman reported that it had continued to call for greater regulation of fishing and encouraged fishing practices that ensured the sustainability of fishery resources. Accordingly, the use within the exclusive economic zone of drift-nets more than one kilometre long had been prohibited. The Omani Ministry of Agriculture and Fisheries has been engaged in a continuing effort to prevent the use of drift-nets of any kind in order to safeguard fishing resources and maintain the quality of fish products. Oman has consistently supported the global moratorium on the use of large-scale pelagic drift-nets on the high seas, and has publicly advocated that position in many international forums.

21. In its reply to the Secretary-General dated 12 September 1997, the Bahamas indicated it had not engaged in any drift-net fishing activities on the high seas.

22. In its reply of 23 September 1997, Thailand informed the Secretary-General that it had not yet engaged in high seas fishing and had never used large-scale pelagic drift-net fishing on the high seas. It also indicated that while its Department of Fisheries had discontinued the project of experimenting and promoting gill-net fisheries on the high seas, it had, however, carried out surveys and experiments of fishing in the exclusive economic zone using gill-nets less than 2.5 kilometres, with a view to establishing appropriate measures for gill-net fisheries in areas under national jurisdiction.

2. Information provided by international organizations

(a) Specialized agencies of the United Nations system

23. In its reply to the Secretary-General dated 9 July 1997, the Food and Agriculture Organization of the United Nations (FAO) submitted the following report:

"FAO members do not report specifically to the organization whether their nationals are engaged directly in large-scale pelagic drift-net fishing.

Although information is sought, by means of questionnaires, on the composition of members' fishing fleets, there is a low response rate.

"In accordance with General Assembly resolution 44/225 and subsequent resolutions, FAO has reported annually on global information available to the Organization on the use of large-scale pelagic drift-nets ...

"In May 1997 the Italian General-Directorate of Fisheries advised that agreement had been reached with the Italian swordfish industry to retrench drift-net vessels in line with a compensation plan agreed by the Government. Drift-net vessels are being decommissioned and/or converted to other gear types including longlining. The plan is to be financed on a 50/50 cost-sharing basis between the Government of Italy and the European Community at a total cost of about US$ 235 million. It will cover the retrenchment of 676 drift-net vessels and will be implemented over a three-year period. By 2000 it is expected that there will be no Italian-flag vessels operating with large-scale pelagic drift-net gear and vessels will conform with General Assembly resolution 46/215 and European Community Council regulation 345/92 ..."

(b) Organs, organizations and programmes of the United Nations

24. In its response of 25 June 1997 to the Secretary-General, the United Nations Environment Programme (UNEP) indicated that it was promoting cessation of the use of drift-nets through the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals (GPA/MM), which was aimed at addressing the incidental catch of marine mammals.

(c) Other intergovernmental organizations

25. In its report to the Secretary-General dated 22 July 1997, the European Community indicated that in October 1991, the Fisheries Council had adopted a number of provisions regarding the use of drift-nets, including one that provided that fishing vessels were not allowed to use one or more drift-nets which individually or in total exceeded 2.5 kilometres. The drift-net provisions applied in all maritime waters under Community jurisdiction (with the exception of the Baltic Sea, the Belts and the Sound), and to all Community vessels operating outside of Community waters. The provisions came into effect on 1 June 1992.

26. The European Community also indicated that a proposal had been submitted to its Council aimed at prohibiting all fishing with drift-nets as from 1 January 1998. The proposal was still under discussion in the Council, which adopted in April 1997 a specific measure to encourage Italian fishermen to diversify out of certain fishing activities which included the use of drift-nets for large-scale pelagic fish.

B. Review by region

1. Atlantic Ocean

(a) Information provided by States

27. No States have reported any large-scale pelagic drift-net fishing on the high seas in the Atlantic Ocean.

(b) Information provided by regional and subregional fisheries organizations and arrangements

28. The International Commission for the Conservation of Atlantic Tunas (ICCAT) reported on 3 February 1997 that the Commission had adopted at its tenth Special Meeting (San Sebastián, Spain, 22-29 November 1996) a resolution concerning large-scale pelagic drift-net fishing that, *inter alia*, appealed to all Contracting Parties to: (a) comply with resolution 46/215; (b) provide all the necessary data on this kind of fisheries in order that scientists could study the effects of using drift-net gear; and (c) impose adequate sanctions on their nationals and on their fishing vessels that acted contrary to the terms of the resolution.

29. In its response to the Secretary-General dated 15 August 1997, the North Atlantic Salmon Conservation Organization (NASCO) stated that it was not aware of any activities within the area of the Convention for the Conservation of Salmon in the North Atlantic Ocean which would be inconsistent with resolution 46/215.

30. The Northwest Atlantic Fisheries Organization (NAFO) reported that there had not been any fishing with large-scale pelagic drift-nets in the past year in the area of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

31. The Northeast Atlantic Fisheries Commission (NEAFC) indicated that there had been no use of large-scale pelagic drift-nets on the high seas in the area of the Convention on Future Multilateral Cooperation in Northeast Atlantic Fisheries.

32. The Western Central Atlantic Fishery Commission (WECAFC) indicated that there had been no reports of

fishing with large-scale pelagic drift-nets in the Commission's area during 1996-1997.

(c) Information provided by non-governmental organizations

33. No activities involving large-scale pelagic drift-net fishing in the high seas areas of the Atlantic Ocean have been reported by non-governmental organizations during the reporting period.

2. Baltic Sea

(a) Information provided by regional and subregional fisheries organizations and arrangements

34. The International Baltic Sea Fishery Commission (IBSFC) reported that the Baltic Sea had no high seas area and therefore, it was not formally subject to General Assembly resolution 46/215.

3. Mediterranean Sea

(a) Information provided by States

35. In a communication to the Secretary-General dated 3 January 1997, Turkey stated that Turkish fishermen did not use drift-nets in international or territorial waters since drift-net fishing was prohibited by Turkish authorities. It also pointed out that Turkey did not approve the practice of reflagging vessels and using them for drift-net fishing. Consequently, Turkey supported the measures taken to ban drift-net fishing in the Mediterranean.

36. The United States informed the Secretary-General that, as referred to in its 1996 report to the Secretary-General (see A/51/404, para. 33), it had held consultations with the Government of Italy and the European Union concerning reports of large-scale drift-net activity in the Mediterranean Sea by Italian nationals and vessels. As a result of those consultations, an agreement was reached in July 1996 under which Italy had committed itself to take a variety of measures to end large-scale, high seas drift-net fishing by its nationals. Central to those measures was a fishing vessel conversion programme, to be funded jointly by Italy and the European Union, which would allow Italian drift-net fishing vessels to be retired or converted to other fishing techniques, and vessel owners and fishermen to be compensated financially for withdrawing from drift-net fishing. Italy had also committed itself to strengthen drift-net enforcement efforts by local maritime authorities.

37. The United States added that Italy's drift-net vessel conversion programme went into effect on 11 June 1997 and Italian authorities had sent formal notifications of the programme to Italian fishermen's associations on 26 June 1997, along with an explanation of the key sections of the programme, application forms, and a compensation schedule. The United States was hopeful that, with the commencement of the conversion programme for Italian drift-net fishermen and vessel owners, it would succeed in ending Italian large-scale drift-net fishing operations in the Mediterranean.

38. In its submission to the Secretary-General dated 16 September 1997, New Zealand reported that it had continued to have in place legislation concerning drift-net fishing (the Drift-Net Prohibition Act 1991) and also indicated that there had been no incident involving drift-net fishing within the New Zealand exclusive economic zone.

(b) Information provided by regional and subregional fisheries organizations and arrangements

39. The General Fisheries Council for the Mediterranean (GFCM) reported that one complaint concerning the use of large-scale pelagic drift-nets in the Council area had been received from the Government of Malta in the review period.

(c) Information provided by non-governmental organizations

40. In its submission to the Secretary-General dated 3 September 1997, the Humane Society International provided the following information:

> "In July 1996, Italy signed an agreement with the United States Government to end all illegal drift-netting and offered] a voluntary phase-out programme of legal drift-netting (2.5 km and below) for its fishers. The Italian Government undertook this agreement in order to avoid sanctions under the United States High Seas Drift-Net Fisheries Enforcement Act of 1992. Non-governmental groups won a case in the United States Court of International Trade in February 1996 compelling the United States State and Commerce Departments to begin steps toward sanctions against Italy for illegal drift-netting.
>
> "While more than a year has passed since the agreement went into effect, no part of it has been implemented and Italian illegal drift-netting is still occurring. In April 1997, Spanish authorities arrested and fined two Italian vessels in the Balearics for using illegal nets in Spanish waters. In May 1997, two sperm

whales were found entangled in net fragments in the lower Tyrrhenian Sea. In August 1997, European Conservation Italy in conjunction with Humane Society International conducted a sea and port survey near the north Sicilian coast where drift-nets are commonly used.

"The survey was conducted during rough sea conditions that were not favourable for deploying drift-nets (and it was also the end of the fishing season), nevertheless, oversized nets were in evidence.

"For example, in Milazzo on July 25, 1997 at 6 p.m., one vessel had nets close to 8 km in length. In the port of S. Agata di Millitello on July 25, 1997 at 7.15 p.m., 18 drift-net vessels were found. Of these, 10 had nets of 8 km or longer and five had nets up to 6 km. The completion of that survey was not possible because of the presence of fishers. The vessels were in the harbour due to inclement sea conditions.

"In the port of Porticello, Italy's largest drift-net harbour, at 2 p.m. on July 26, 1997 no less than 80 drift-net vessels were found, some with nets clearly exceeding 10 km in length.

"In the Cefalù harbour, on July 26-27, 1997 there were eight drift-net vessels all with nets exceeding 2.5 km in length and one with 8-10 km nets on board. On July 26, 1997 at 11.15 a.m., port authorities were seen ignoring the illegal nets.

"Enforcement is inconsistent. The Italian Government to date has also failed to gain passage in its legislature of greater penalties for infractions, another provision of the United States-Italian agreement.

"Italian fishers recently requested the Government to permit them to carry on board an extra 2.5 km net in case of an accident. This would increase the likelihood of two nets (of a total of 5 km in length) being deployed at once, a violation of European Union (EU) law.

"The State Department confirmed in August 1997 that the Italian Government has been unable to implement the first phase of a three-year conversion program. The agreement stated that those fishers who did not participate in the first phase of the program would not be eligible to receive funds in the second and third years.

"The State Department also confirmed that private funds have been provided for the Italian Government to undertake a scientific drift-netting program using oversized nets. After receiving warnings from the State Department about the unacceptability of pursuing such a programme, Italy terminated plans for this project.

"Such an activity would have been another indication of Italy's failure to adhere to the United Nations General Assembly's mandate to end all high seas drift-netting and its lack of compliance with EU regulation 3094/86 limiting each EU vessel to one net of 2.5 km in length affixed to the vessel."

4. Indian Ocean and Asia-Pacific region

(a) Information provided by regional and subregional fisheries organizations and arrangements

41. The Indo-Pacific Tuna Programme (IPTP) indicated that it had not received any report of large-scale pelagic drift-net fishing in the 1996-1997 period.

5. Pacific Ocean

(a) Information provided by States

42. In its reply of 13 June 1997 to the Secretary-General, Kiribati stated that it had ratified on 10 January 1992 the Wellington Convention that prohibited long drift-net fishing in the South Pacific.

43. In its response of 1 July 1997 to the Secretary-General, Fiji indicated that it had ratified on 18 January 1994 the Wellington Convention that prohibited long drift-nets in the South Pacific.

44. The Republic of Korea reported that beginning 1 January 1993 it had established a complete ban on squid drift-net fishing in the Northern Pacific and had therefore ensured full compliance with the global moratorium required in resolution 46/215.

45. The United States informed the Secretary-General that in 1996, in order to monitor compliance with the drift-net moratorium, the United States Coast Guard and the National Marine Fisheries Service had continued to carry out surveillance activities in North Pacific areas that in the past had been routinely fished by drift-net vessels. Coast Guard vessels patrolled sectors of the North Pacific Ocean, or were in position to respond to reported drift-net activity for a total of 113 days, while Coast Guard aircraft flew 181 surveillance hours.

46. The United States also indicated that in July 1996 it had cooperated with authorities of Taiwan Province of China

when a Coast Guard cutter observed a Taiwanese flag fishing vessel conducting high seas drift-net operations in the North Pacific Ocean. The cutter monitored the fishing vessel until a Taiwanese enforcement vessel arrived on the scene. After a joint boarding, Taiwanese authorities took custody of the fishing vessel and escorted it to Taiwan Province of China. As a result of evidence provided by the United States and an investigation by Taiwanese authorities, the master of the vessel admitted to large-scale drift-net fishing for salmon in the North Pacific. The vessel's licence was revoked and the owner and crew were indicted for salmon poaching.

47. The United States further indicated that in June 1997, acting on information received from United States tuna fishermen operating on the high seas of the North Pacific, its Coast Guard dispatched a C-130 aircraft and located an unidentified vessel actively fishing with large-scale, pelagic drift-nets in an area approximately 875 nautical miles northwest of Midway Island. Unfortunately, the Coast Guard did not have a patrol vessel in the area to investigate the sighting. At the request of the United States, Japan dispatched a fisheries patrol vessel to the scene. It was able to verify that the vessel was equipped with drift-net gear and reported an initial determination that the flag State of the vessel was the People's Republic of China. The drift-net vessel fled when the patrol vessel arrived and ignored all radio communications. The patrol vessel eventually had to suspend its surveillance of the drift-net fishing vessel because of a shortage of fuel. On 26 June 1997, the Chinese Government confirmed that the drift-net vessel had been registered in China, although its registration was no longer valid. According to Chinese officials, the vessel had been sold and not reregistered. As a result, the Chinese Government regarded the vessel as stateless and stated that if the vessel entered its waters, it would be subject to confiscation and prosecution. The United States provided the Chinese Government with an evidence package to be considered in any enforcement action against the vessel.

48. In addition, the United States emphasized that in 1997, in support of drift-net enforcement efforts in the North Pacific, the Coast Guard had conducted surveillance with its C-130 aircraft at 1996 levels and had also scheduled approximately 160 surface vessel days for patrols in the area. All these operations were planned and executed in cooperation with enforcement officials of the Governments of Japan, Canada and the Russian Federation.

49. The United States also reported that under the terms of a Memorandum of Understanding dated 3 December 1993, the United States and the People's Republic of China had continued to work together to ensure effective implementation of resolution 46/215 in the North Pacific Ocean. The Memorandum established boarding procedures for law enforcement officials of either country to board and inspect vessels flying the flag of the other country suspected of drift-net fishing. It also provided for enforcement officials of either country to ride on board high seas drift-net enforcement vessels of the other country in the North Pacific Ocean. During 1996, the United States Coast Guard had on board three Chinese officials on three high seas fishery enforcement patrols. The two countries had agreed to a similar arrangement for 1997. Although the Memorandum of Understanding expired on 3 December 1994, it had been renewed on 20 December 1994, via an exchange of diplomatic notes for an additional two years, until 31 December 1996. In October 1996, the United States had proposed to the People's Republic of China that the Memorandum of Understanding be extended for an additional two years, until 31 December 1998. China had agreed to an extension of the agreement on 2 January 1997.

50. In 1996, the United States indicated that its Coast Guard had issued a "Notice to Mariners", seeking reports on vessels suspected of using high seas drift-nets in the North Pacific Ocean. Although more information and photographs were provided as a result of the Notice, no suspected vessels were identified.

51. In its reply of 12 August 1997 to the Secretary-General, the Philippines stated that it was a party to the Convention for the Prohibition of Fishing with Long Drift-Nets in the South Pacific. It also indicated that the Philippines had not, however, considered it necessary to issue regulations banning drift gill-nets because their use was confined to coastal areas, and only sardines, mackerels and other small pelagics were caught with such nets. The Philippines further reported that a regulation prohibiting the capture of dolphins already existed and another one would soon be promulgated to cover other sea mammals.

(b) Information provided by regional and subregional fisheries organizations and arrangements

52. The Inter-American Tropical Tuna Commission (I-ATTC) has advised that there were no reports of fishing with large-scale pelagic drift-net gear in its area in 1996-1997.

53. The South Pacific Forum Fisheries Agency (FFA) indicated that it had not received any report of large-scale pelagic drift-net fishing in the 1996-1997 period.

54. The South Pacific Commission (SPC) reported that it had managed an observer programme with four scientific observers, and provided technical support for the national

observer programmes of the Federated States of Micronesia, the Marshall Islands, Palau, Papua New Guinea and Solomon Islands. The recording of sightings of fishing vessels by the observers indicated that no large-scale pelagic drift-net vessels had been operating in the SPC area in 1996-1997.

55. The Organización latinoamericana de Desarrollo Pesquero (OLDEPESCA) has advised that there had been no indication that large-scale pelagic drift-net fishing had been reported in the region covered by the organization.

6. Antarctica[1]

(a) Information provided by regional and subregional fishery organizations and arrangements

56. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reported that Commission resolution 7/IX, adopted in 1990, had stated that there would be no expansion of large-scale pelagic drift-net fishing into the Convention area. The Commission indicated that since the adoption of that resolution, no cases of drift-net fishing activities had been reported in the CCALMR Convention area.

III. Unauthorized fishing in zones under the national jurisdiction of other States

A. Information provided by States

57. Barbados has informed the Secretary-General that it had no comment on the issue of unauthorized fishing in areas under the national jurisdiction of other States.

58. Kiribati indicated that the issue of unauthorized fishing in areas under the jurisdiction of other States would be taken into account in the future management plan now being developed by a subcommittee of the South Pacific Forum Fisheries Agency.

59. Mauritius reported that although there had been a few informal reports of unauthorized fishing in zones under the jurisdiction of other States, these had not been confirmed. It added that since its own exclusive economic zone was large, full monitoring of illegal fishing activities therein was not feasible.

60. Maldives stated that all its vessels had refrained from fishing outside its national jurisdiction and would continue to do so unless duly permitted by the authorities of the other States.

61. Fiji reported that Fiji-registered vessels were required to carry a Fiji flag while fishing for tuna. As for non-Fiji registered vessels, they were required to carry the flag of their nationalities, whether on contract or operating on a joint venture basis.

62. Pakistan indicated that deep-sea fishing in its exclusive economic zone was governed by the Pakistan Exclusive Fishery Zone (Regulation of Fishing) Act of 1975 and related regulations. Under the Act, no vessel flying the flag of Pakistan was allowed to fish in areas under the jurisdiction of other States.

63. The Republic of Korea reported that it had taken measures to ensure that no vessels entitled to fly its flag were engaged in fishing in areas under the jurisdiction of other States, unless duly authorized by the competent authorities of the coastal State concerned. These measures included the following: (a) imposition by the Government of severe penalties on vessels which conducted fishing in waters of other States without permission from the States concerned and in accordance with domestic laws and regulations; and (b) priority emphasis on the observance of the fishing regulations of other coastal States during mandatory training sessions of captains of deep-sea fishing vessels.

64. Norway stated that fishing access for vessels flying the flag of Norway to areas under the fisheries jurisdiction of other States was regulated by international agreements with the States concerned. Norwegian vessels would thus be able only to fish in such waters upon the express consent and under such terms as were laid down by those States. In the event that a vessel flying the flag of Norway were to fish in violation of such terms, Norwegian authorities were empowered to take action against the vessel upon its return to a Norwegian port.

65. The United Arab Emirates indicated that it had prohibited the operation of commercial fishing vessels in its territorial waters. It had also prohibited in its waters foreign fishing activities, including those operated as joint ventures with local fishing interests.

66. The United States expressed the view that all States had an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their flag from fishing in zones under the jurisdiction of other States unless duly authorized to do so, and to ensure that such fishing was in accordance with applicable laws and

regulations. Article 56, paragraph 1, of the Convention provided that coastal States had sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within their respective zones of national jurisdiction. Furthermore, article 62, paragraph 4, of the Convention provided that nationals of other States fishing in the exclusive economic zone ought to comply with the conservation measures and with the terms and conditions established in the laws and regulations of the coastal State.

67. The United States indicated also that it had long acted to prevent unauthorized fishing in zones under the jurisdiction of other States by vessels entitled to fly its flag. The oldest and broadest instrument available to the United States to implement this objective was the Lacey Act, which was enacted in 1900, and its 1981 amendments.

68. The United States recalled that it was also a party to a variety of international agreements that further prohibited United States nationals and vessels from engaging in unauthorized fishing in areas under the fisheries jurisdiction of other States. Several such agreements had been concluded with the Governments of Colombia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Canada, and numerous Governments in the South Pacific region. These measures had contributed significantly to support the conservation of fisheries resources within zones under national jurisdiction.

69. The United States noted, however, that ensuring full implementation of General Assembly resolution 51/36 by the United States was limited by several problems. First, detection of any alleged illegal fishing activity within zones of national jurisdiction depended largely on the enforcement capability of the coastal State. The fishery enforcement capability of many coastal States, however (and especially among developing States with large jurisdictional zones), was limited because of inadequate resources. Second, prosecution under the Lacey Act was dependent upon a separate violation of an underlying foreign or federal law. Such prosecutions could involve difficult evidentiary issues, for example proving that a United States flag fishing vessel had violated a law or a regulation of a foreign country. Third, effective prosecutions under the Lacey Act and in accordance with other international agreements and treaties required strong cooperation between the United States and foreign officials. Such cooperation might not always be forthcoming. Fourth, prosecuting violations of unauthorized fishing activities which occurred within the jurisdiction of a foreign country was expensive, involving, for example, the cost of providing transportation to witnesses. The United States had defrayed the costs of litigating violations of its fisheries laws and regulations through a fund which consisted of monies collected from fines, penalties and forfeitures. Despite these difficulties, the United States was committed to fulfilling its responsibilities as a flag State and believed it had achieved much to prevent unauthorized fishing in zones under the jurisdiction of other States by fishing vessels flying its flag.

70. The United States stressed that it had prohibited unauthorized fishing by vessels from foreign countries within its own zone of national jurisdiction. The Magnuson-Stevens Act stated that no foreign fishing was authorized within the exclusive economic zone of the United States unless authorized and conducted under, and in accordance with, a valid and applicable permit. With one exception (i.e. trans-shipments), such permits could only be issued if the relevant foreign country had concluded an international fishing agreement with the United States. Such agreements acknowledging the exclusive fishery management authority of the United States required foreign nations and the owner or operator of any foreign fishing vessel to abide by all its regulations, and provided for enforcement of its fisheries laws and regulations. Foreign fishing activities within its exclusive economic zone were monitored and enforced by the Coast Guard and the National Marine Fisheries Service. The United States attached extreme importance to compliance with General Assembly resolutions 49/116 and 51/36 and encouraged all flag States of the international community to take measures to prevent fishing vessels entitled to fly their flag from fishing in zones under the jurisdiction of other States unless duly authorized, and to ensure that such fishing operations were conducted in accordance with the conditions set out in such authorization.

71. The Philippines has informed the Secretary-General that the Director of the Bureau of Fisheries and Aquatic Resources had requested the President of the Federation of Fishing Associations of the Philippines to issue a circular to all its members enjoining them to refrain from fishing in areas under the jurisdiction of other States unless authorized by the competent authorities of the coastal States concerned.

72. Italy indicated that circulars from the Ministry of Agricultural, Food and Forest Resources to port authorities and professional organizations had reiterated the requirement to respect domestic legislation on fishing or boating limits, with specific reference to the Italian law ratifying the United Nations Convention on the Law of the Sea.

73. Oman reported that under the Marine Fisheries and Protection of Living Marine Resources Act promulgated by Decree No. 81/53, as amended, and the relevant implementing regulations issued by the Ministry of

Agriculture and Fisheries, all fishing vessels and boats belonging to Oman were obliged to obtain a licence to engage in fishing. They were also required to comply with all maritime laws, incorporating the regional and international regulations approved by Oman. The question of fishing in waters that were under the jurisdiction of other States is covered by the same requirement.

74. The Bahamas has stated that no fishing vessels registered in the Bahamas had engaged in unauthorized fishing in areas under the jurisdiction of other States.

75. New Zealand has informed the Secretary-General that it was in the process of developing legislation with specific provisions to deal with fishing by vessels entitled to fly New Zealand's flag in areas under the jurisdiction of other States.

76. Thailand has indicated that its Government had a firm policy of denying support to vessels, flying the national flag, that had fished in the exclusive economic zones of other States without their permission. This was in recognition of its obligation to prevent illegal fishing which has given the country a negative image and a bad reputation, as well as causing losses of fishermen's lives and properties.

77. Thailand also stressed that it had undertaken efforts to prevent unauthorized fishing in areas under the jurisdiction of other States through: (a) amendment of the relevant provisions of its Fisheries Act B.E. 2490 (1947) including the establishment of the responsibility of owners of fishing vessels in cases of illegal fishing in areas under the jurisdiction of other States and the obligation for fishermen to apply for a Thai overseas fishing licence prior to fishing legally in areas under the jurisdiction of other countries; (b) several initiatives, including a feasibility study on installation of satellite tracking systems to monitor national fishing vessels, prior registration of Thai fishing companies authorized to operate in areas under the national jurisdiction of other States, training and dissemination of information to fishermen, registration of fishing vessels and their crew, procedures to be followed in fishing operations in Ranong Province and to areas contiguous to the zone under the jurisdiction of Myanmar; (c) promotion of financial incentives to encourage bilateral fisheries cooperation and authorized fishing activities; (d) negotiations on fishing rights with foreign countries on the basis of mutual and equal benefit, and with a view to strengthening the optimum utilization of fishery resources in areas of single ecosystems and shared stocks; (e) negotiations on existing overlapping maritime claims to secure Thai fishing rights and entitlements; (f) negotiations with neighbouring countries to provide leniency to Thai fishermen that had breached unintentionally laws and regulations of other countries; (g) establishment of joint patrols with other States to prevent poaching in each other's waters; (h) negotiations with neighbouring countries to establish joint mechanisms for reducing illegal fishing and preventing excessive use of force or drastic actions; and (i) modification of fishing vessels and equipment to allow them to engage in deep-sea and high seas fisheries, particularly in the Indian Ocean.

B. Information provided by specialized agencies of the United Nations system

78. FAO reported that its Fisheries Department did not maintain specific records concerning the incidence of unauthorized fishing in zones of national jurisdiction. However, at fisheries meetings and consultations convened by FAO, the matter was often commented upon by members in their statements. Nonetheless, as part of its work on fisheries management, and within the ambit of the Code of Conduct for Responsible Fisheries, FAO had maintained a programme on fisheries monitoring, control and surveillance (MCS) and technical assistance to members. The issue was also addressed at the FAO Committee on Fisheries (COFI) in March 1997, and COFI has emphasized the importance of MCS as an integral component of fisheries management.

79. In addition, a regional workshop on fisheries MCS for States bordering the south-west Indian Ocean and Maldives was organized during 1996-1997 at the request of the Indian Ocean Fishery Commission (IOFC). The objectives of the workshop were to review the status of national, regional and foreign fleet activities in the exclusive economic zones of those States, consider areas where States might strengthen existing MCS systems and recommend strategies for improvement of MCS capacities, including vessel monitoring systems, costs, penalties for non-compliance with regulations and updating MCS legislation.

C. Information provided by regional and subregional fisheries organizations and arrangements

80. The International Baltic Sea Fishery Commission (IBSFC) indicated that no reports of unauthorized fishing in the zones of national jurisdiction in the Baltic Sea had been received by the Commission in 1996. It also indicated that, beginning in 1994, IBSFC had established an initial Enforcement Scheme which included, among other matters: (a) annual reporting of vessels authorized to fish cod in the

Baltic Sea; and (b) reporting of licences given to vessels fishing outside a fisheries agreement between the Contracting Parties of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belt.

81. The Western Central Atlantic Fishery Commission (WECAFC) has advised that there had been reports of unauthorized fishing in zones of national jurisdiction in the 1996-1997 period, but that those reports had not been verified. Most of the reports dealt with unauthorized small-scale fishing between neighbouring countries in the region. Unauthorized fishing by industrial vessels (shrimping and longlining for large pelagics by vessels from outside the region), which was probably more important in the region, had been reported in the press but not verified.

82. The Fishery Committee for the Eastern Central Atlantic (CECAF) indicated that one part of its programme of work for 1996-1997 concerned strengthening fisheries' MCS capacity in member countries. The enhancement of this capacity would serve to reduce the incidence of unauthorized fishing in zones of national jurisdiction in the region.

83. The International Commission for the Conservation of Atlantic Tunas (ICCAT) has advised that there had been some reported violations of domestic fisheries regulations in areas of national jurisdiction as well as reporting of fishing activities that were not in compliance with regulatory measures taken by the Commission.

84. The Inter-American Tropical Tuna Commission (I-ATTC) and the Northwest Atlantic Fisheries Organization (NAFO) indicated that there had been no reports of unauthorized fishing in the past year in their respective areas of competency.

85. The South Pacific Forum Fisheries Agency (FFA) reported that in 1996 there had been 25 cases involving illegal fishing activity within the FFA member nations. Twelve cases had been concluded with successful prosecutions and collection of fines. Three of the 25 cases involved written warnings, and 10 cases were still pending. Approximately US$ 3,857,000 had been collected in fines and vessels were forfeited in the 12 completed cases for 1996. Of the 25 cases reported to FFA, four were in Solomon Islands, one in the Marshall Islands, nine in the Federated States of Micronesia, seven in Papua New Guinea, one in New Zealand and two in Kiribati. Detected violations in the Federated States of Micronesia and Papua New Guinea usually involved fishing without a valid country permit, illegal bunkering or trans-shipping and misreporting. The nature of violations varies from country to country and year to year, depending on where fleets were concentrating their fishing effort and the amount of illegal fishing activity detected by fisheries surveillance personnel. It should be noted that several violations were settled out of court and were not brought to the attention of FFA. The Agency has maintained that the level of illegal fishing activity within its member nations would decrease through the implementation of vessel monitoring systems on distant water nations' fishing vessels.

IV. Fisheries by-catch and discards

A. Information provided by States

86. Barbados reported that the amount of by-catches, discards and post-harvest losses were already small and infrastructure was being improved on shore to further reduce post-harvest losses.

87. Kiribati stated that particular actions would be included in future management arrangements now being developed within FFA to reduce by-catches, fish discards and post-harvest losses.

88. Mauritius reported that no discards or by-catch resulted from artisanal and bank fisheries, and while tuna fishery by-catch was very small, effective use was made of it for the production of pet foods and fishmeal.

89. Latvia indicated that it had provided statistical catch reports to the International Fisheries Commission and to FAO.

90. Maldives reported that tuna caught by pole and longlines comprised 83 per cent of the total catch. The selective character of the fishing gear had minimized by-catches and fish discards. In addition, it pointed out that the improvement of technology and promotion of awareness among Maldivians on the quality and standard of processing catches had led to maintaining post-harvest losses at a minimum.

91. Fiji informed the Secretary-General that the Fiji Fisheries Department had been promoting fishing methods which were "environmentally friendly". Two principal methods were involved, namely pole and longlines. These methods were selective in terms of fishing gears which were specifically designed for the target species, thus reducing by-catches, fish discards and post-harvest losses. In addition, members of FFA were also involved in the training of fisheries observers who boarded vessels to monitor fishing activities, identify catches, fishing positions and to ensure that no illegal fishing activities were carried out, including discarding or by-catches.

92. Pakistan indicated that its Exclusive Fishing Zone (Regulation of Fishing) Act of 1975 and related regulations prohibited discard of by-catch at high seas, and every effort had been made to reduce by-catches and post-harvest losses.

93. The Republic of Korea reported that its authorities had taken the following measures to reduce by-catches, fish discards and post-harvest losses: (a) communication of information received from captains of Korean deep-sea fishing vessels on by-catches, fish discards and post-harvest losses to international fisheries organizations; (b) issuance of instructions to the fisheries industry to release living by-catches such as marine mammals, sea turtles and seabirds; and (c) continuous strengthening of government guidance to minimize the accidental death of marine animals.

94. Norway indicated that it had established measures and improved fishing gear in order to reduce by-catch and the catching of juvenile fish. These measures included quota regulations, a ban on discards, minimum size and mesh size regulations, sorting grids and closure of areas. Strict control measures both at sea and landings ensured the inspection of catches and enforcement of laws pertaining to fisheries in Norwegian waters.

95. The United Arab Emirates reported that one of the most important aspects of its cooperation with member States of the Gulf Cooperation Council, through the Committee on Fisheries Resources, was the ban on the use of nets for deep-water fishing and restrictions on floating nets, which reduced fisheries by-catch.

96. The United States indicated that since its 1996 report to the Secretary-General, it had undertaken additional important steps to reduce fish discards and by-catch in domestic and international fisheries. The United States Congress had responded to the increased concern with the volume of by-catch by increasing requirements under provisions of the Magnuson-Stevens Act. The Magnuson-Stevens Act, supplemented by the Sustainable Fisheries Act of 1996 (Public Law 104-43), highlighted the need for by-catch management in the United States fishery management plans by requiring that "conservation and management measures shall, to the extent practicable, (A) minimize by-catch and to the extent by-catch cannot be avoided, (B) minimize the mortality of such by-catch". Globally, the 1995 Fish Stocks Agreement, to which the United States was a signatory, also emphasized by-catch reduction.

97. The United States further indicated that in order to respond to by-catch issues and increasing regulatory requirements, its fishing industry had initiated in 1992 a series of workshops to develop strategies to reduce by-catches and to increase industry and public understanding of by-catch issues. The recommendations which resulted from these workshops, as well as those from environmental groups and the public, had prompted the National Marine Fisheries Service to prepare a draft National By-catch Plan in March 1997, to clearly articulate the agency's objectives, priorities and strategies in this area. The plan was compiled by agency experts with experience in fisheries management, stock assessment and social sciences. It included proposed national by-catch objectives, specific recommendations concerning data collection, evaluation and management actions necessary to attain the objectives, and a comprehensive assessment of the state of by-catch in the nation's marine fisheries. The latter was intended to serve as a benchmark from which progress in by-catch reduction could be measured. The plan was currently undergoing public review and comment.

98. The United States informed the Secretary-General that it was also actively involved in efforts to reduce by-catch and fish discards in international fisheries through international treaties and domestic legislation. These efforts included measures to reduce dolphin mortality in tuna fisheries in the Eastern Tropical Pacific, the incidental mortality of sea turtles in commercial shrimp fisheries throughout the world, and efforts to enforce the worldwide ban on drift-nets. The United States was also party to several international agreements that contained provisions on by-catch and discards. In addition to the FAO Code of Conduct for Responsible Fisheries and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the agreements included the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea, and the International Convention for the Conservation of Atlantic Tunas.

99. The Philippines reported to the Secretary-General that in an effort to reduce by-catches, fish discards and post-harvest losses, it had adopted the following policies and strategies: (a) developing innovative products and promoting value-added products that utilized fish species having low commercial value, as well as strengthening fish inspection and quality control systems; (b) conducting of research on the use of selectivity devices such as turtle excluder devices, square-meshed cod-end trawl, and separator grid for shrimp trawl; (c) introducing improved methods for traditional processing, including the enhancement of product quality;

and (d) implementing programmes intended to attract much-needed investments to fund the construction or renovation of post-harvest and other rural infrastructure such as ice plants and cold storage facilities, fish ports and farm-to-market roads.

100. Italy has informed the Secretary-General that a draft regulation of the European Union was being prepared on the use of appropriate equipment for each type of fish, and once approved would be binding.

101. Oman has indicated that by-catches, fish discards and post-harvest losses were a problem for Oman because of the nature of a marine ecosystem that embraced a multitude of different species. Oman had, however, begun to solve the problem by enacting restrictions and providing the necessary instruction and guidance to mitigate its impact. Currently, research efforts were being directed towards increasing the acceptability of species that were previously discarded, in an attempt to find a market for them. The restrictions relating to fishing gear, such as those concerning the size of the openings in trawl nets, and the allotment of fishing activities (the prohibition of fishing in certain areas and in certain seasons) had the goal of reducing fish discards. Recently, Oman had also taken significant steps to improve infrastructure (fishing ports) and the design of fishing boats used by Omani fishermen and to make available essential facilities along its shores (such as cold storage and ice-making plants) so as to reduce post-harvest losses.

102. The Bahamas has indicated that the issue of reducing by-catches, fish discards and post-harvest losses did not apply to it because of the highly specific fishing methods used by local Bahamian fishermen.

103. New Zealand has indicated that it was pursuing ongoing implementation of management plans to minimize incidental by-catch of marine mammals and seabirds in New Zealand fishery waters. Marine mammals were protected under the Marine Mammals Protection Act 1978, and legislation was enacted in 1996 to enable the development of plans for protecting seabirds that were caught in fishing operations. In this context, a population management plan for the wandering albatross would be initiated this year by the Department of Conservation.

104. New Zealand has also informed the Secretary-General that the Government and the New Zealand tuna fishing industry were currently investing considerable resources in the development of measures to reduce incidental captures in tuna longline operations. They had implemented the mandatory use of bird scaring devices on all tuna longline vessels. Other measures included a voluntary fishing industry code encouraging the setting of gear at night, when albatrosses were less active. A monitoring of the numbers and species of seabirds caught in fishing operations in New Zealand waters, as well as the populations of such species as the wandering albatross, was also being undertaken by the New Zealand authorities. In this connection, New Zealand stated that it would favour a consideration of the issue of seabird by-catch by international management regimes, including for species which bred in New Zealand but were caught by fishing vessels outside its exclusive economic zone. It intended to continue working through the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to address these management issues.

105. New Zealand further stated that it had dealt with the question of fish discards and post-harvest losses through its quota management system, under which all fish caught ought to be landed in order to prevent dumping and to minimize waste.

106. Thailand has informed the Secretary-General that, in order to reduce by-catches, fish discards and post-harvest losses, it had taken the following measures: (a) establishment of closed areas and seasons to protect spawning and nursing grounds, including designation of areas of 3 kilometres from the shoreline as reserved and conservation areas, and prohibited to trawlers and push netlers; (b) enlargement of trawler devices from 2 or 2.5 centimetres to 4 centimetres, as well as improvement of other types of gear to reduce by-catches and post-harvest losses; (c) gradual limitation and reduction of fishmeal factories; (d) advice to fishermen to use sea water for fish cleaning to prevent contamination, and to preserve harvest with ice to maintain freshness; (e) prohibition of pushnet fishing as a non-selective gear; and (f) production of fishing products, such as fish crackers or fish cakes from by-catches.

B. Information provided by specialized agencies of the United Nations system

107. FAO reported that in October 1996, the Government of Japan in collaboration with FAO had organized, hosted and funded a Technical Consultation on the Reduction of Wastage in Fisheries during which discussion addressed estimates of discards, multi-species fisheries issues, technical measures, and unaccounted mortalities. Recommendations were also made with respect to improved fisheries management, better information, subsistence, artisanal and recreational fisheries, selective gear, improved utilization and immediate follow-up. The Consultation

recognized that several factors had contributed to both an overestimation and an underestimation of discards in several FAO statistical areas. The Consultation also indicated that globally, on the basis of 1994-1995 data reviewed, there had been a significant reduction in discards between the mid-1980s and the mid-1990s owing to a number of factors, including a decline in levels of fishing, time/area closures, new or more selective harvest and utilization technologies, greater utilization for human consumption and feed for aquaculture and livestock, enforcement of prohibition on discarding by some countries, and a more progressive attitude of fishery managers, user groups and society to the needs to resolve problems resulting from discarding.

108. FAO also pointed out that the issue of by-catch and discards was also addressed as a major issue in world fisheries at the twenty-second session of the Committee on Fisheries (COFI) in March 1997. Some delegations had reported on successful results of campaigns to reduce by-catch, as well as successful attempts to find uses for species that had previously been discarded. The FAO secretariat has advised the Committee that the Fisheries Department was preparing additional guidelines for the Code of Conduct for Responsible Fisheries, one of which would deal with by-catch and discards. Canada also has advised COFI that following the 1995 Kyoto Conference and the 1996 Tokyo Expert Consultation on Reduction of Wastage in Fisheries, it was planning to host with FAO an expert consultation on sustainable harvesting technologies and practices, including reduction of discards and by-catches. COFI also addressed the issue of incidental catches of seabirds in fisheries and it had been proposed that FAO, in collaboration with Japan and the United States, organize consultations with experts from inside and outside governments to develop and propose guidelines leading to a plan of action aimed at reducing incidental bird catches. The plan of action would be submitted to the Committee at its twenty-third session in early 1999. Furthermore, COFI also addressed issues relating to conservation and effective management of shark populations and it was agreed that FAO should also organize, in collaboration with Japan and the United States, consultations among experts to develop and propose guidelines leading to a plan of action to be submitted to the same session of COFI.

109. FAO added that, as a follow-up, it would continue to develop methodology to make better assessments of the level of discards and would at the same time investigate technical and management approaches to limit discarding. In addition, it would facilitate studies on technical measures for reducing unwanted catches in tropical shrimp fisheries and the better utilization of by-catches for direct consumption. Moreover, an international conference was being planned for 1998 on the use of observer programmes to assist with measuring discards.

C. Information provided by regional and subregional fisheries organizations and arrangements

110. The International Commission for the Conservation of Atlantic Tunas (ICCAT) has reported that it was collecting statistics on discards as well as on all by-catch species (which were often utilized as much as the target species). It also indicated that, according to some reports, discards might have increased due to the strengthening of regulatory measures in respect of fish size and catch levels. ICCAT further reported that it had commenced a new research programme on shark by-catch in which the statistics of such by-catches were collected, in addition to other biological information on the species.

111. The Northwest Atlantic Fisheries Organization (NAFO) indicated that it had recently introduced a number of regulations concerning, *inter alia*, catch reporting, discards and by-catches, and undersized and juvenile fish. With respect to reporting and recording catches, Contracting Parties had ensured NAFO that their vessels entering the Regulatory Area had a record in their fishing logbooks of the amount of species of fish on board, and while fishing in the Regulatory Area, recorded their catches on a daily basis. Contracting Parties fishing in the Regulatory Area reported monthly catches by species and stock area to the Executive Secretary, who circulated this information to all members of NAFO. As a consequence, the following by-catch and discard regulations were in force in the Regulatory Area: (a) report of statistics on discards of cod in the redfish and flatfish fisheries; (b) limitation of the incidental catch at 10 per cent in general fisheries and at 5 per cent in cases of moratorium; (c) report of discard statistics on areal and seasonal observation of juvenile American plaice and yellowtail flounder; (d) enforcement and control of discard regulations concerning minimum fish size; (e) regulation of mesh size and sorting grids or grates as well as the operation of all regulated groundfish to minimize by-catches; and (f) introduction of the hail reporting system and the observer programme in 1996.

112. In addition to the above, NAFO reported that it had in 1995-1997 developed and introduced sorting grids in the shrimp fishery. By using the grid, the vessel would have "cleaner" catches and avoid by-catches of other juvenile fish

(mostly redfish and cod) in the areas of concentration of shrimp.

113. The Northeast Atlantic Fisheries Commission (NEAFC) indicated that it had yet to address directly the problems of by-catches and discards. However, in the case of both stocks regulated by NEAFC, these were considered to be clean fisheries insofar as only the adult components of the stocks were targeted. No other stock or species was mixed with the Norwegian spring-spawning herring. In the fishery for oceanic redfish there were two different types caught and considerable effort was being made to investigate the interrelation between the two.

114. The International Baltic Sea Fishery Commission (IBSFC) has advised that it had no new information available in the current reporting period.

115. The Western Central Atlantic Fishery Commission (WECAFC) has indicated that countries in the region that have shrimp trawl fisheries (e.g. Guyana, Suriname, Brazil and Venezuela) were now landing more by-catch for human consumption than in the past, partly owing to higher prices for fish. There had been efforts to introduce by-catch reduction devices, and all countries that have trawl fisheries, with the exception of French Guiana, had introduced turtle exclusion devices. Venezuela was experimenting with the use of fish exclusion devices and FAO had organized in Cuba in June 1997 a regional workshop that addressed the utilization of by-catch from shrimp trawlers.

116. The Asia-Pacific Fishery Commission (APFIC) reported that it had undertaken studies on by-catch and discards in 1996 in the People's Republic of China, Japan, Malaysia and Thailand. A review of by-catch and discards in the fisheries of South-east Asia also had been prepared for the Technical Consultation on Reduction of Wastage in Fisheries held in Japan in 1996.

117. The Inter-American Tropical Tuna Commission (I-ATTC) stated that it had established an observer programme which had sampled since 1972 tuna purse seiners fishing in the eastern Pacific Ocean in order to make observations on incidental capture and mortality of dolphins in the fishery. Since 1988, observers had collected information on the by-catch of other living marine resources on an ad hoc basis, and in 1993 the I-ATTC members and other cooperating countries whose vessels exploited the fishery had instituted a regular observer programme which covered all large tuna purse seiners fishing in the eastern Pacific. From 1993 to 1996, most of the vessels had carried I-ATTC observers who had collected information on all by-catch taken by those vessels. These data were reported in the I-ATTC's 1995 Annual Report as well as in other specialized reports. Additionally, in the Declaration of Panama, the members of I-ATTC, in conjunction with other countries whose vessels were involved in the fishery, had expressed their commitment "... to the assessment of the catch and by-catch of small yellowfin tuna and other stocks of living marine resources related to the tuna fishery in the eastern Pacific Ocean and the establishment of measures to, *inter alia*, avoid, reduce and minimize the by-catch of juvenile yellowfin tuna and the by-catch of non-target species, in order to ensure the long-term sustainability of all these species, taking into account consideration [of] the interrelationships among species in the ecosystem".

118. The South Pacific Commission (SPC) reported that it had commenced analysis of observer data in an attempt to quantify by-catch and discards in tuna fisheries in the SPC area, and the exercise would become a regular activity of the SPC Oceanic Fisheries Programme. As part of its ongoing work on the subject, the Commission had also commissioned in 1995-1996 a study on by-catch and discards in the Western Pacific tuna fisheries.

119. The Organización latinoamericana de Desarrollo Pesquero (OLDEPESCA) has advised that it did not have any information available to it concerning fisheries by-catch and discards in the area covered by the organization.

120. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reported that Commission Conservation Measure 29/XIV, entitled "Minimization of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Conservation Area", had been in force (with several amendments) since the 1993-1994 fishing season. In 1995, CCAMLR had initiated an exchange of information with a number of international organizations, including the United Nations and FAO, in relation to incidental mortality of seabirds caused by fishing activities. The objective of this initiative was to disseminate CCAMLR's experience in applying mitigating techniques and in formulating conservation measures, and to be informed of the steps other organizations had taken, or were studying, to address the issue of incidental mortality of seabirds associated with fisheries, especially longline fisheries. As part of its continuing efforts to minimize seabird mortality in longline fisheries, CCAMLR had published an educational book in 1996 for fishermen, entitled *Fish the Sea Not the Sky*, which explained how to avoid by-catch of seabirds when fishing with longlines.

121. In its submission to the Secretary-General dated 18 August 1997, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) indicated that the

Commission had established a Working Group on Ecologically Related Species to provide information and advice on issues relating to those species, including species which might be affected by southern bluefin tuna fisheries and species which might affect the condition of the southern bluefin tuna stocks. Issues on which the Working Group intended to provide information included population biology, identification of factors affecting ecologically related species, the assessment of the effects of ecologically related species on the condition of the southern bluefin stock and measures to minimize the fishery effects on ecologically related species.

D. Information provided by other intergovernmental organizations

122. The European Community reported that in 1994 its Council adopted a regulation on technical conservation measures for the Mediterranean. The measures, which came into effect on 1 January 1995 and were aimed at reducing by-catches and discards, included specifications of main types of fishing gear to be used, in particular minimum mesh, as well as specifications relating to minimum sizes of fish and the protection of zones where juvenile fish congregated.

E. Information provided by non-governmental organizations

123. In its submission to the Secretary-General dated 25 June 1997, the World Wide Fund for Nature (WWF) stressed that the Secretary-General's report should take note of the increasing worldwide concern regarding the status of shark species and the burgeoning international trade in shark parts and products. It also indicated that a recent joint report by WWF and the World Conservation Union (IUCN) concluded that between 30 and 70 million sharks were caught annually as by-catch in fisheries targeting pelagic species such as tuna, and that shark fisheries were largely unmanaged and unmonitored. WWF indicated that this situation had led FAO's Committee on Fisheries in March 1997 and the tenth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species to draw particular attention to the issue. WWF was of the view that the growing worldwide concern over the status of shark species warranted a call for action in the General Assembly's resolution on by-catch.

124. In its reply to the Secretary-General dated 30 June 1997, the Natural Resources Defense Council, referring to the 1995 Fish Stocks Agreement, indicated that the Agreement did not effectively address several important issues, including the conservation of sharks and other vulnerable populations and therefore further measures were needed to reduce the amount of by-catch and waste which, according to FAO, was equal to 20-25 per cent of the world catch.

125. In its report of 30 June 1997 to the Secretary-General, IUCN stated that it was especially concerned about species level issues of marine fish stocks, e.g., the status of shark populations. It indicated that IUCN intended to address these issues through its Special Survival Commission, and attention would be given particularly to the by-catch issue.

126. In its report to the Secretary-General dated 29 July 1997, Greenpeace expressed concern that a great number of albatross and other seabirds were killed in the southern bluefin tuna fishery as well as other longline fisheries targeting other species. It also indicated that recent observation of longlines off New Zealand had shown that 10 types of albatross and 16 species of petrels had been recorded as having been caught or trapped by the longliners. In addition, other marine animals had been observed to be affected by the southern bluefin tuna longline fishing in view of its highly unselective, or indiscriminate, type of fishing gear that involved a high rate of capture of numerous marine species, including other fish, sharks, turtles and marine mammals, such as seals, dolphins and whales.

127. Greenpeace further indicated that high figures showing the death of albatross and petrels each year in southern bluefin tuna longline fishery might be underestimated and might be upwards of two to three times that figure, despite the use by vessels of mitigation devices and practices, such as the use of bird scaring lines and the practice of night setting when birds were supposed to be less abundant.

128. Greenpeace added that the combined effect of intense fishery for southern bluefin tuna by the members of the Commission for the Conservation of Southern Bluefin Tuna and the unregulated fishing of non-members were presumed to have ecologically severe consequences on seabirds and other by-catch species in the area.

Notes

[1] Antartica is under the purview of the Antarctica Treaty System